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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
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| 10/771,893  | 02/04/2004  | Juergen Reithinger   | P04,0007                      | 3873                   |
| 26574   | 7590        | 08/15/2007           |                               |                        |
| SCHIFF HARDIN, LLP<br>PATENT DEPARTMENT<br>6600 SEARS TOWER<br>CHICAGO, IL 60606-6473 |             |                      | EXAMINER<br>PENDLETON, DIONNE |                        |
|   |             |                      | ART UNIT<br>2627              | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>08/15/2007       | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/771,893

Applicant(s)

REITHINGER, JUERGEN

Examiner

Dionne H. Pendleton

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Everett (US 5,317,330)**.

**Regarding claim 1,**

Absent language drawn to structure of a "hearing device", Applicant's recitation of a "hearing device" has not been given patentable weight.

In **figure 3**, Bohn teaches a device for transmitting and receiving data comprising: a transmission device **112** comprising a transmitter coil **116** to transmit data; a reception device **114** comprising a receiver coil **118** for receiving data; and a common core **128** on which both said transmitter coil and receiver coil are wound (**see, col. 3, lines 65-67; col. 4, lines 4-6; col. 4, lines 37-39**); also causing said receiver coil to be excited for transmission of data by said transmitter coil (**see, col. 3, lines 58-62; col. 4, lines 18-20.**)

Bohn does not clearly teach that said reception device comprises a reception oscillator circuit, wherein the receiver coil forms an oscillator circuit coil for said oscillator circuit.

EVERETT teaches, in **figure 3**, a reception device **34** comprising a reception oscillator circuit **36,38**, wherein the receiver coil **36** forms an oscillator circuit coil for said oscillator circuit **36,38** (**see, col. 2, lines 63-66**). Everett further teaches that said transmission coil has an inductance associated therewith and said reception oscillator circuit has a resonant frequency (**see, col. 2, lines 63-66**), and wherein the reception device comprises a correction capacitor **40** to correct the resonant frequency of the reception oscillator (**see, col. 2, lines 66-68; col. 3, lines 11-15.**)

It would have been obvious for one of ordinary skill in the art at the time of the invention to employ the reception oscillator circuit taught by Everett, for the purpose of creating a parallel resonance at the frequency of the receive signal.

**Regarding claim 5,**

In **Column 4, lines 4-8**, EVERETT teaches the practicality of operating a transmitting receiving device between 50kHz and 200kHz, since operating at such frequencies permit through-the-body operation and easy clock generation (also see, **Everett, col. 1, lines 34-35.**)

2. **Claims 2 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Everett (US 5,317,330)**, as applied to claim 1 above, and further in view of **Roesner (US 6,229,443)**.

**Regarding claim 2,**

The combined disclosures of BOHN and EVERETT teach a reception device comprising a receiver circuit **114**. BOHN/EVERETT does not clearly teach a protective circuit through which the receiver circuit is connected to said receiver coil.

ROESNER teaches, in **figure 1**, a protective circuit interposed between the receiving coil **14** and receiver unit (**see, col. 1, lines 11-20**). It would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate the overload protection circuit of Roesner into the device of Bohn and Everett, for the purpose of avoiding overload of the receiving unit.

**Regarding claim 4,**

Roesner teaches that the protective circuit (**10,12,18**) is connected in parallel with the receiver coil.

3. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Everett (US 5,317,330)**, in view of **Roesner (US 6,229,443)** as applied to claim 2, and further in view of **D. Sheffet (US 3,365,670)**.

**Regarding claim 3,**

BOHN/EVERETT AND ROESNER teach a transmitting receiving device as in claims 1 and 2. Roesner teaches that the protective circuit comprises a capacitor **18** connected in series with a general voltage sensing circuit **12**. BOHN/EVERETT and ROESNER do not clearly teach that the voltage sensing circuit may be realized using a parallel circuit of two diodes connected with opposite polarity.

D. SHEFFET teaches, in **figure 4a**, that a protective circuit may be realized using a capacitor **403** connected in series with a parallel circuit of two diodes **401,402** connected with opposite polarity. It would have been obvious for one of ordinary skill in the art at the time of the invention to employ the protective circuit of D. Sheffet for the purpose of protecting the subsequent circuit component from overload.

4. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bohn (US 6,584,301)** in view of **Everett (US 5,317,330)**, as applied to claim 1, and further in view of **D. Sheffet (US 3,365,670)**.

**Regarding claim 8,**

BOHN and EVERETT teach a transmitting receiving device comprising a corrective capacitor **40**, as recited in claim 1.

BOHN and EVERETT do not clearly teach a protective circuit between the receiver circuit and reception coil, wherein the receiver circuit comprises a correction capacitor and a parallel circuit of two diodes connected with opposite polarity.

D. SHEFFET teaches, in **figure 4a**, the obviousness of realizing a protective circuit using a corrective capacitor **403** connected in series with a parallel circuit of two diodes **401,402** connected with opposite polarity.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Bohn, Everett and D. Sheffet, for the purpose of protecting the subsequent circuit component from overload.

### ***Response to Arguments***

Applicant's arguments filed 6/11/2007 have been fully considered but they are not persuasive.

***5. With Regard To The Applicant's Argument That One Of Ordinary Skill In The Art Would Have No Reason To Construct A Circuit As Set Forth In The Amended Independent Claim 1, Without Having In Mind The Goal Of Miniaturization:***

EVERETT makes use of the reception oscillator circuitry for the purpose of conserving power during signal transmission. The Examiner questions the soundness

of the Applicant's argument that one would not alter BOHN per EVERETT'S teachings except where concerned with miniaturization of the device, since the very goal of the EVERETT reference pertains not to miniaturization, as argued by the Applicant, but rather pertains to power conservation. It is the Examiner's final opinion that the attention given to power conservation, as seen in the EVERETT reference, would be shared by others of ordinary skill in the art, where the device in question is provided with a limited power source, as this matter of power conservation is in and of itself, of essential importance in relation to the convenience of use and efficiency in operation of such a device. The Examiner is thereby not persuaded and a rejection citing the combined teachings of BOHN and EVERETT are maintained.

**6. *With Regard To The Applicant's Argument That Neither Reference Discloses Interconnection Of Those Components That Allows Dual Function To Be Achieved:***

Everett teaches in **Column 2, lines 62-65**, that coil "36" serves the purpose of operating as the receive antenna, while **Column 3, lines 10-15**, teaches that coil "36" also operates as part of the resonant circuit for minimizing voltage requirements. The Examiner is thereby not persuaded and a rejection is maintained.

**7. *In Response To Applicant's Argument That There Is No Motivation To Modify The BOHN et al. Circuit In Accordance With The Teachings Of EVERETT,***  
the examiner recognizes that obviousness can only be established by combining or



modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, **Column 1, lines 65-67**, provides such motivation for altering the receiver coil of Bohn.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

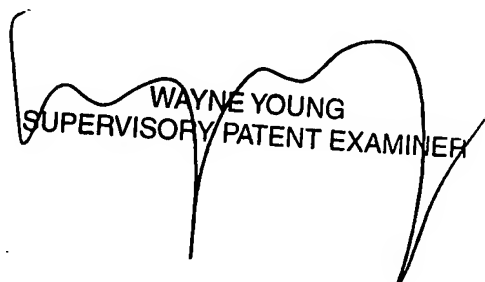
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne H. Pendleton whose telephone number is 571-272-7497. The examiner can normally be reached on 10:30-7:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Dionne Pendleton

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER